

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To provide enhanced student loan relief to educators.

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IN THE SENATE OF THE UNITED STATES

Mr. LUJÁN introduced the following bill; which was read twice and referred  
to the Committee on \_\_\_\_\_

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**A BILL**

To provide enhanced student loan relief to educators.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Loan Forgiveness for  
5 Educators Act of 2022”.

6 **SEC. 2. LOAN FORGIVENESS AND CANCELLATION FOR EDU-**

7 **CATORS.**

8 (a) ENHANCED TEACHER LOAN FORGIVENESS  
9 UNDER THE FFEL PROGRAM.—Section 428J of the  
10 Higher Education Act of 1965 (20 U.S.C. 1078–10) is  
11 amended to read as follows:

1 **“SEC. 428J. LOAN FORGIVENESS FOR EDUCATORS.**

2 “(a) PURPOSE.—It is the purpose of this section to  
3 enhance student access to a well-prepared, diverse, and  
4 stable educator workforce by eliminating debt burdens for  
5 educators in return for service teaching and leading in  
6 high need schools or early childhood education programs.

7 “(b) PROGRAM AUTHORIZED.—Not later than 270  
8 days after the date of enactment of the Loan Forgiveness  
9 for Educators Act of 2022, the Secretary shall carry out  
10 a program, through the holder of the loan, of assuming,  
11 as required under subsection (c), the obligation to repay  
12 a covered loan for qualifying educators engaged in quali-  
13 fying service. A qualifying educator may apply for the pro-  
14 gram under this section after the Secretary has begun car-  
15 rying out the program.

16 “(c) FORGIVENESS OF COVERED LOANS.—

17 “(1) FORGIVENESS OF LOANS UPON COMPLE-  
18 TION OF QUALIFYING SERVICE.—

19 “(A) IN GENERAL.—For each qualifying  
20 educator who has completed 5 years of quali-  
21 fying service (including any qualifying service,  
22 as defined under this section as in effect after  
23 the date of implementation of the Loan For-  
24 giveness for Educators Act of 2022, that may  
25 have been completed or performed before or  
26 after such date of implementation, or a com-

1            bination of qualifying service), the Secretary  
2            shall assume the obligation to repay an amount  
3            equal to 100 percent of the aggregate of the  
4            loan obligations (including interest and fees) on  
5            all covered loans that are outstanding as of the  
6            date of completion of such fifth year of quali-  
7            fying service.

8            “(B) TIMING.—The years of qualifying  
9            service required under subparagraph (A) may  
10           be consecutive or nonconsecutive, and the quali-  
11           fying educator may elect which years of quali-  
12           fying service to use for purposes of subpara-  
13           graph (A).

14           “(2) MONTHLY LOAN FORGIVENESS.—Upon ap-  
15           plication by any qualifying educator who has a cov-  
16           ered loan and who is engaged in qualifying service,  
17           and in addition to any loan forgiveness under para-  
18           graph (1), the Secretary shall enter into an agree-  
19           ment with such qualifying educator, under which—

20           “(A) during the period of qualifying service  
21           (for qualifying service that occurs after the date  
22           of implementation of this Act), the Secretary  
23           agrees to assume the obligation to repay the  
24           minimum monthly obligation on all covered  
25           loans of the qualifying educator, based on the

1           repayment plan selected by the qualifying edu-  
2           cator, for—

3                   “(i) each month of qualifying service;  
4                   and

5                   “(ii) any summer or other school or  
6                   program year calendar breaks scheduled by  
7                   a high need school or early childhood edu-  
8                   cation program during a school or program  
9                   year in which the qualifying educator is en-  
10                  gaged in qualifying service;

11                  “(B) during the period of qualifying serv-  
12                  ice, the assumption of the monthly loan obliga-  
13                  tion provided will serve as a monthly payment,  
14                  considered paid in full by the qualifying educa-  
15                  tor, based on the repayment plan selected by  
16                  the qualifying educator (which, if the qualifying  
17                  educator chooses, shall include any income driv-  
18                  en repayment plan); and

19                  “(C) during the period of qualifying serv-  
20                  ice, each monthly obligation that is repaid by  
21                  the Secretary under this paragraph on a cov-  
22                  ered loan shall be deemed to be a qualifying  
23                  monthly payment made by the qualifying educa-  
24                  tor for purposes of the loan forgiveness pro-  
25                  gram under section 455(m), if applicable.

1           “(3) APPLICATION.—The Secretary shall de-  
2           velop and make publicly available an application for  
3           qualifying educators who wish to receive loan for-  
4           giveness under this subsection. The application  
5           shall—

6                   “(A) be available for qualifying educators  
7                   to file for loan forgiveness under paragraph (1)  
8                   and for monthly loan forgiveness under para-  
9                   graph (2);

10                   “(B) include any certification requirements  
11                   that the Secretary determines are necessary to  
12                   verify qualifying service; and

13                   “(C) allow for the verification of the quali-  
14                   fying service—

15                           “(i) in the case of an early childhood  
16                           educator or an elementary or secondary  
17                           school teacher serving in a high need  
18                           school, by a school leader or the adminis-  
19                           trator of a local educational agency, edu-  
20                           cational service agency, Bureau of Indian  
21                           Education, Native Hawaiian education sys-  
22                           tem, or State educational agency that  
23                           serves the school (or the administrator’s  
24                           designee);

1                   “(ii) in the case of an early childhood  
2 educator serving in an early childhood edu-  
3 cation program, by the director of that  
4 program (or the director’s designee);

5                   “(iii) in the case of a school leader  
6 serving in a high need school, by the ad-  
7 ministrator of a local educational agency,  
8 educational service agency, Bureau of In-  
9 dian Education, Native Hawaiian edu-  
10 cation system, or State educational agency  
11 that serves the school (or the administra-  
12 tor’s designee);

13                   “(iv) in the case of a director of an  
14 early childhood education program, a lead-  
15 er of the entity overseeing the early child-  
16 hood education program; and

17                   “(v) in the case of a family child care  
18 provider or the director of an early child-  
19 hood education program that operates as a  
20 standalone center-based program (for ex-  
21 ample, a case in which the center is not  
22 part of a larger company) that is an early  
23 childhood education program, by self-cer-  
24 tification with supporting documents, such  
25 as a business license, a listing with a pub-

1           lic Child Care Resources and Referral  
2           website, or proof of participation in a Fed-  
3           eral child care or preschool subsidy pro-  
4           gram.

5           “(4) PARENT PLUS LOANS.—

6                   “(A) PARENT PLUS LOAN ON BEHALF OF  
7           A STUDENT WHO IS A QUALIFYING EDUCA-  
8           TOR.—A borrower of a parent loan under sec-  
9           tion 428B issued on behalf of a student who is  
10          a qualifying educator shall qualify for loan for-  
11          giveness and any other benefits under this sec-  
12          tion for the qualifying service of the student in  
13          the same manner and to the same extent as the  
14          student borrower qualifies for such loan forgive-  
15          ness and other benefits.

16                   “(B) PARENT PLUS LOAN BORROWED BY A  
17          PARENT WHO IS A QUALIFYING EDUCATOR.—  
18          The borrower of a parent loan under section  
19          428B issued on behalf of a student who is not  
20          a qualifying educator shall also qualify for loan  
21          forgiveness and any other benefits under this  
22          section for qualifying service if that parent bor-  
23          rower is engaged in qualifying service and  
24          meets the requirements of this section.

1           “(5) RECIPIENTS OF PRIOR FORGIVENESS.—A  
2           qualifying educator who received loan forgiveness  
3           under this section as in effect before the date of en-  
4           actment of the Loan Forgiveness for Educators Act  
5           of 2022—

6                   “(A) shall be eligible for loan forgiveness  
7                   of covered loans in accordance with paragraph  
8                   (1), including any remaining covered loans; and

9                   “(B) may count the service completed that  
10                  qualified the qualifying educator for previous  
11                  loan forgiveness as qualifying service for pur-  
12                  poses of paragraph (1).

13           “(6) PROHIBITION ON REQUIRING REPAY-  
14           MENT.—A qualifying educator shall not be required  
15           to repay any amounts paid under this subsection if  
16           that qualifying educator who engages in qualifying  
17           service ends the qualifying service before the end of  
18           a school or program year, or before the end of the  
19           5-year period described in paragraph (1).

20           “(d) REGULATIONS.—The Secretary is authorized to  
21           issue such regulations as may be necessary to carry out  
22           the provisions of this section.

23           “(e) CONSTRUCTION.—Nothing in this section shall  
24           be construed to authorize any refunding of any repayment  
25           of a loan.



1 “(f) LIST.—

2 “(1) IN GENERAL.—The Secretary, shall—

3 “(A) as soon as practicable, produce and  
4 make publicly available a list of high need  
5 schools for purposes of this section; and

6 “(B) annually update such list.

7 “(2) LIST FROM PREVIOUS YEAR.—If the list of  
8 high need schools in which a qualifying educator  
9 may perform qualifying service is not available be-  
10 fore May 1 of any year, the Secretary may use the  
11 list for the year preceding the year for which the de-  
12 termination is made to make a determination about  
13 whether an individual meets the requirements for  
14 qualifying service.

15 “(g) ADDITIONAL ELIGIBILITY PROVISIONS.—

16 “(1) CONTINUED ELIGIBILITY.—Any qualifying  
17 educator who performs qualifying service in a school  
18 that—

19 “(A) is a high need school in any school  
20 year during such service; and

21 “(B) in a subsequent school year fails to  
22 meet the definition of a high need school  
23 may continue to serve in such school and shall be el-  
24 igible for loan forgiveness pursuant to subsection  
25 (b).

1           “(2) PREVENTION OF DOUBLE BENEFITS.—No  
2           qualifying educator may, for the same service, re-  
3           ceive a benefit under both this section and—

4                       “(A) section 428K; or

5                       “(B) subtitle D of title I of the National  
6           and Community Service Act of 1990 (42 U.S.C.  
7           12601 et seq.).

8           “(3) NO PENALTY FOR PROMOTIONS.—Any  
9           qualifying educator who performs qualifying service  
10          in an early childhood education program or high  
11          need school and who is promoted to another position  
12          within that early childhood program or high need  
13          school after 1 or more years of qualifying service  
14          may continue to be employed in such position in  
15          such program or school and shall be eligible to count  
16          the period of employment in such position as quali-  
17          fying service for loan forgiveness pursuant to sub-  
18          section (b).

19          “(h) DEFINITIONS.—In this section:

20                       “(1) BUREAU OF INDIAN EDUCATION FUNDED  
21          ELEMENTARY OR SECONDARY SCHOOL.—The term  
22          ‘Bureau of Indian Education funded elementary or  
23          secondary school’ means—

1           “(A) an elementary or secondary school or  
2           dormitory operated by the Bureau of Indian  
3           Education;

4           “(B) an elementary or secondary school or  
5           dormitory operated pursuant to a grant under  
6           the Tribally Controlled Schools Act of 1988 (25  
7           U.S.C. 2501 et seq.); and

8           “(C) an elementary or secondary school or  
9           dormitory operated pursuant to a contract  
10          under the Indian Self-Determination and Edu-  
11          cation Assistance Act (25 U.S.C. 5301 et seq.).

12          “(2) BUREAU OF INDIAN EDUCATION EARLY  
13          CHILDHOOD DEVELOPMENT PROGRAM.—The term  
14          ‘Bureau of Indian Education early childhood devel-  
15          opment program’ means—

16                 “(A) a program operating under a grant  
17                 authorized by section 1139 of the Education  
18                 Amendments of 1978 (25 U.S.C. 2019); or

19                 “(B) an early childhood education program  
20                 operated or funded by the Bureau of Indian  
21                 Education (including Family and Child Edu-  
22                 cation programs at schools funded by the Bu-  
23                 reau of Indian Education authorized under sec-  
24                 tion 1121 of the Education Amendments of  
25                 1978 (25 U.S.C. 2001)).

1           “(3) COVERED LOAN.—The term ‘covered loan’  
2 means a loan made, insured, or guaranteed under  
3 this part.

4           “(4) EARLY CHILDHOOD EDUCATION PRO-  
5 GRAM.—The term ‘early childhood education pro-  
6 gram’ means—

7                 “(A) a high-need early childhood education  
8 program as defined in section 200;

9                 “(B) a Head Start program (including an  
10 Early Head Start program) carried out under  
11 the Head Start Act (42 U.S.C. 9831 et seq.);

12                 “(C) an early childhood education pro-  
13 gram, as defined in section 103;

14                 “(D) a Bureau of Indian Education early  
15 childhood development program;

16                 “(E) a Native Hawaiian education system  
17 early childhood education program;

18                 “(F) a Tribal early childhood education  
19 program; or

20                 “(G) a consortium of entities described in  
21 any of subparagraphs (A) through (F).

22           “(5) HIGH NEED SCHOOL.—The term ‘high  
23 need school’ means—

24                 “(A) a public elementary or secondary  
25 school—

1                   “(i) with respect to which the number  
2                   of children meeting a measure of poverty  
3                   under section 1113(a)(5) of the Elemen-  
4                   tary and Secondary Education Act of  
5                   1965, exceeds 30 percent of the total num-  
6                   ber of children enrolled in such school; and

7                   “(ii) that is served by a local edu-  
8                   cational agency that is eligible for assist-  
9                   ance pursuant to part A of title I of the  
10                  Elementary and Secondary Education Act  
11                  of 1965;

12                  “(B) a public elementary or secondary  
13                  school or location operated by an educational  
14                  service agency in which the number of children  
15                  meeting a measure of poverty under section  
16                  1113(a)(5) of the Elementary and Secondary  
17                  Education Act of 1965 exceeds 30 percent of  
18                  the total number of children enrolled in such  
19                  school or location;

20                  “(C) a public elementary or secondary  
21                  school identified by the State for comprehensive  
22                  support and improvement, targeted support and  
23                  improvement, or additional targeted support  
24                  and improvement, under section 1111 of the El-

1 elementary and Secondary Education Act of  
2 1965;

3 “(D) a Bureau of Indian Education funded  
4 elementary or secondary school;

5 “(E) an elementary or secondary school  
6 operated by a Tribal educational agency; or

7 “(F) a Native Hawaiian education system.

8 “(6) INDIAN TRIBE.—The term ‘Indian Tribe’  
9 means the recognized governing body of any Indian  
10 or Alaska Native Tribe, band, nation, pueblo, village,  
11 community, component band, or component reserva-  
12 tion, individually identified (including parentheti-  
13 cally) in the list published most recently as of the  
14 date of enactment of this subtitle pursuant to sec-  
15 tion 104 of the Federally Recognized Indian Tribe  
16 List Act of 1994 (25 U.S.C. 5131).

17 “(7) NATIVE HAWAIIAN EDUCATION SYSTEM.—  
18 The term ‘Native Hawaiian education system’ means  
19 an entity eligible to receive direct grants or enter  
20 into contracts with the Secretary under section 6205  
21 of the Elementary and Secondary Education Act of  
22 1965 (20 U.S.C. 7515) to carry out the authorized  
23 activities under that section.

24 “(8) QUALIFYING EDUCATOR.—Subject to sub-  
25 section (i), the term ‘qualifying educator’ means—

1           “(A) an elementary or secondary school  
2 teacher who—

3                   “(i) has obtained full State or Tribal  
4 certification and licensure requirements for  
5 such employment; and

6                   “(ii) has not had such certification or  
7 licensure requirements waived on an emer-  
8 gency, temporary, or provisional basis;

9           “(B) an early childhood educator who pro-  
10 vides care or instruction to children;

11           “(C) a school leader of an elementary or  
12 secondary school who—

13                   “(i) has obtained full State or Tribal  
14 certification and licensure requirements for  
15 such employment; and

16                   “(ii) has not had such certification or  
17 licensure requirements waived on an emer-  
18 gency, temporary, or provisional basis; or

19           “(D) an early childhood education program  
20 director (including a family child care provider).

21           “(9) QUALIFYING SERVICE.—

22                   “(A) IN GENERAL.—Subject to subpara-  
23 graph (B), the term ‘qualifying service’  
24 means—

1           “(i) in the case of a qualifying educa-  
2           tor described in subparagraph (A) or (C)  
3           of paragraph (8), employment as a full-  
4           time qualifying educator in a high need  
5           school; and

6           “(ii) in the case of a qualifying educa-  
7           tor described in subparagraph (B) or (D)  
8           of paragraph (8), employment as a full-  
9           time qualifying educator in an early child-  
10          hood education program (including school-  
11          based programs).

12          “(B) EXCEPTION.—In the case of a quali-  
13          fying educator who is unable to complete a full  
14          school or program year of service, that year  
15          may still be counted toward the required quali-  
16          fying service period under paragraphs (1) and  
17          (2) of subsection (c) if—

18                 “(i) the qualifying educator completed  
19                 at least one-half of the school or program  
20                 year;

21                 “(ii) the employer considers the quali-  
22                 fying educator to have fulfilled the contract  
23                 requirements for the school or program  
24                 year for the purposes of salary increases,  
25                 tenure, and retirement; and



1           “(iii) the qualifying educator was un-  
2           able to complete the school or program  
3           year because—

4                   “(I) the qualifying educator re-  
5                   turned to postsecondary education, on  
6                   at least a half-time basis, in an area  
7                   of study directly related to the per-  
8                   formance of the qualifying service;

9                   “(II) the qualifying educator ex-  
10                  perienced a condition described in sec-  
11                  tion 102 of the Family and Medical  
12                  Leave Act of 1993 (29 U.S.C. 2612);

13                  “(III) the qualifying educator  
14                  was called or ordered to Federal or  
15                  State active duty status, or Active  
16                  Service as a member of a Reserve  
17                  Component of the Armed Forces  
18                  named in section 10101 of title 10,  
19                  United States Code, or service as a  
20                  member of the National Guard on  
21                  full-time National Guard duty, as de-  
22                  fined in section 101(d)(5) of title 10,  
23                  United States Code; or

24                  “(IV) the qualifying educator re-  
25                  sides in or is employed in a disaster

1 area, as declared by any Federal,  
2 State, or local official in connection  
3 with a national emergency.

4 “(10) SCHOOL LEADER.—The term ‘school  
5 leader’ has the meaning given that term in section  
6 8101 of the Elementary and Secondary Education  
7 Act of 1965.

8 “(11) TRIBAL EARLY CHILDHOOD EDUCATION  
9 PROGRAM.—The term ‘Tribal early childhood edu-  
10 cation program’ means any of the following pro-  
11 grams:

12 “(A) An American Indian or Alaska Native  
13 Head Start or Early Head Start program car-  
14 ried out under the Head Start Act (42 U.S.C.  
15 9831 et seq.).

16 “(B) A Tribal child care and development  
17 program carried out under the Child Care and  
18 Development Block Grant of 1990 (42 U.S.C.  
19 9858 et seq.).

20 “(C) A program serving children from  
21 birth through age 6 that—

22 “(i) receives funding support from the  
23 Native American language preservation  
24 and maintenance program carried out  
25 under section 803C of the Native Amer-

1            ican Programs Act of 1974 (42 U.S.C.  
2            2991b-3);

3            “(ii) is a Tribal prekindergarten pro-  
4            gram;

5            “(iii) is a program authorized under  
6            section 619 or part C of the Individuals  
7            with Disabilities Education Act; or

8            “(iv) is a center-based or group-based  
9            early childhood learning or development  
10           program that the Secretary determines  
11           shall be included under this definition,  
12           after receiving a request from an Indian  
13           Tribe.

14           “(12) TRIBAL EDUCATIONAL AGENCY.—The  
15           term ‘Tribal educational agency’ has the meaning  
16           given the term (without respect to capitalization) in  
17           section 6132(b) of the Elementary and Secondary  
18           Education Act of 1965.

19           “(13) YEAR.—The term ‘year’, when applied to  
20           service as a qualifying educator, means a school or  
21           program year as defined by the Secretary or the  
22           Secretary of Health and Human Services, as appli-  
23           cable.

24           “(i) SPECIAL RULE.—An educator that provides in-  
25           struction or curricular development in an Alaska Native,

1 American Indian, or Native Hawaiian language or a Na-  
2 tive American language as defined in the Native American  
3 Languages Act (25 U.S.C. 2902) shall be considered to  
4 be a qualifying educator regardless of whether the educa-  
5 tor has achieved full State or Tribal certification and licen-  
6 sure requirements for such employment.”.

7 (b) ENHANCED TEACHER LOAN CANCELLATION  
8 UNDER THE DIRECT LOAN PROGRAM.—Section 460 of  
9 the Higher Education Act of 1965 (20 U.S.C. 1087j) is  
10 amended to read as follows:

11 **“SEC. 460. LOAN CANCELLATION FOR EDUCATORS.**

12 “(a) PURPOSE.—It is the purpose of this section to  
13 enhance student access to a well-prepared, diverse, and  
14 stable educator workforce by eliminating debt burdens for  
15 educators in return for service teaching and leading in  
16 high need schools or early childhood education programs.

17 “(b) PROGRAM AUTHORIZED.—Not later than 270  
18 days after the date of enactment of the Loan Forgiveness  
19 for Educators Act of 2022, the Secretary shall carry out  
20 a program of canceling, as required under subsection (c),  
21 the obligation to repay a covered loan for qualifying edu-  
22 cators engaged in qualifying service. A qualifying educator  
23 may apply for the program under this section after the  
24 Secretary has begun carrying out the program.

25 “(c) CANCELLATION OF COVERED LOANS.—

1           “(1) CANCELLATION OF LOANS UPON COMPLE-  
2           TION OF QUALIFYING SERVICE.—

3           “(A) IN GENERAL.—For each qualifying  
4           educator who has completed 5 years of quali-  
5           fying service (including any qualifying service,  
6           as defined under this section as in effect after  
7           the date of implementation of the Loan For-  
8           giveness for Educators Act of 2022, that may  
9           have been completed or performed before or  
10          after such date of implementation, or a com-  
11          bination of qualifying service), the Secretary  
12          shall cancel an amount equal to 100 percent of  
13          the aggregate of the loan obligations (including  
14          interest and fees) on all covered loans that are  
15          outstanding as of the date of completion of such  
16          fifth year of qualifying service.

17          “(B) TIMING.—The years of qualifying  
18          service required under subparagraph (A) may  
19          be consecutive or nonconsecutive, and the quali-  
20          fying educator may elect which years of quali-  
21          fying service to use for purposes of this section.

22          “(2) MONTHLY LOAN CANCELLATION.—Upon  
23          application by any qualifying educator of a covered  
24          loan who is engaged in qualifying service, and in ad-  
25          dition to any loan cancellation under paragraph (1),

1 the Secretary shall enter into an agreement with  
2 such qualifying educator, under which—

3 “(A) during the period of qualifying service  
4 (for qualifying service that occurs after the date  
5 of implementation of this Act), the Secretary  
6 agrees to cancel the minimum monthly obliga-  
7 tion on all covered loans of the qualifying edu-  
8 cator based on the repayment plan selected by  
9 the qualifying educator (which, if the educator  
10 chooses, shall include any income driven repay-  
11 ment plan), for—

12 “(i) each month of qualifying service;  
13 and

14 “(ii) any summer or other school or  
15 program year calendar breaks scheduled by  
16 a qualifying school or early childhood edu-  
17 cation program during a school or program  
18 year in which the qualifying educator is en-  
19 gaged in qualifying service;

20 “(B) during the period of qualifying serv-  
21 ice, interest shall not accrue on the qualifying  
22 educator’s covered loans; and

23 “(C) during the period of qualifying serv-  
24 ice, each monthly obligation that is cancelled by  
25 the Secretary under this paragraph on a cov-

1           ered loan shall be deemed to be a qualifying  
2           monthly payment made by the qualifying educa-  
3           tor for purposes of the loan forgiveness pro-  
4           gram under section 455(m), if applicable.

5           “(3) APPLICATION.—The Secretary shall de-  
6           velop and make publicly available an application for  
7           qualifying educators who wish to receive loan can-  
8           cellation under this subsection. The application  
9           shall—

10                   “(A) be available for qualifying educators  
11           to file for loan cancellation under paragraph (1)  
12           and for monthly loan cancellation under para-  
13           graph (2);

14                   “(B) include any certification requirements  
15           that the Secretary determines are necessary to  
16           verify qualifying service; and

17                   “(C) allow for the verification of the quali-  
18           fying service—

19                           “(i) in the case of an early childhood  
20           educator or an elementary or secondary  
21           school teacher serving in a high need  
22           school, by a school leader or the adminis-  
23           trator of a local educational agency, edu-  
24           cational service agency, Bureau of Indian  
25           Education, Native Hawaiian education sys-

1           tem, or State educational agency that  
2           serves the school (or the administrator’s  
3           designee);

4           “(ii) in the case of an early childhood  
5           educator serving in a early childhood edu-  
6           cation program, by the director of that  
7           program (or the director’s designee);

8           “(iii) in the case of a school leader  
9           serving in a high need school, by the ad-  
10          ministrators of a local educational agency,  
11          educational service agency, Bureau of In-  
12          dian Education, Native Hawaiian edu-  
13          cation system, or State educational agency  
14          that serves the school (or the administra-  
15          tor’s designee);

16          “(iv) in the case of a director of an  
17          early childhood education program, a lead-  
18          er of the entity overseeing the early child-  
19          hood education program; and

20          “(v) in the case of a family child care  
21          provider or the director of an early child-  
22          hood education program that operates as a  
23          standalone center-based program (for ex-  
24          ample, a case in which the center is not  
25          part of a larger company) that is an early



1 childhood education program, by self-cer-  
2 tification with supporting documents, such  
3 as a business license, a listing with a pub-  
4 lic Child Care Resources and Referral  
5 website, or proof of participation in a Fed-  
6 eral child care or preschool subsidy pro-  
7 gram.

8 “(4) PARENT PLUS LOANS.—

9 “(A) PARENT PLUS LOAN ON BEHALF OF  
10 A STUDENT WHO IS A QUALIFYING EDUCA-  
11 TOR.—A borrower of a parent Federal Direct  
12 PLUS Loan issued on behalf of a student who  
13 is a qualifying educator shall qualify for loan  
14 forgiveness and any other benefits under this  
15 section for the qualifying service of the student  
16 in the same manner and to the same extent as  
17 the student borrower qualifies for such loan for-  
18 giveness and other benefits.

19 “(B) PARENT PLUS LOAN BORROWED BY A  
20 PARENT WHO IS A QUALIFYING EDUCATOR.—  
21 The borrower of a parent Federal Direct PLUS  
22 Loan issued on behalf of a student who is not  
23 a qualifying educator shall also qualify for loan  
24 forgiveness and any other benefits under this  
25 section for qualifying service if that parent bor-

1           rower is engaged in qualifying service and  
2           meets the requirements of this section.

3           “(5) RECIPIENTS OF PRIOR LOAN CANCELLA-  
4           TION.—A qualifying educator who received loan can-  
5           cellation under this section as in effect before the  
6           date of enactment of the Loan Forgiveness for Edu-  
7           cators Act of 2022—

8                   “(A) shall be eligible for loan cancellation  
9                   of covered loans in accordance with subsection  
10                  (c)(1), including any remaining covered loans;  
11                  and

12                   “(B) may count the service completed that  
13                  qualified the qualifying educator for previous  
14                  loan cancellation as qualifying service for pur-  
15                  poses of subsection (c)(1).

16           “(6) PROHIBITION ON REQUIRING REPAY-  
17           MENT.—A qualifying educator shall not be required  
18           to repay any amounts paid under this subsection if  
19           that qualifying educator who engages in qualifying  
20           service ends the qualifying service before the end of  
21           a school or program year, or before the end of the  
22           5-year period described in paragraph (1).

23           “(d) REGULATIONS.—The Secretary is authorized to  
24           issue such regulations as may be necessary to carry out  
25           the provisions of this section.

1       “(e) CONSTRUCTION.—Nothing in this section shall  
2 be construed to authorize any refunding of any canceled  
3 loan.

4       “(f) LIST.—

5           “(1) IN GENERAL.—The Secretary shall—

6               “(A) as soon as practicable, produce and  
7               make publicly available a list of high need  
8               schools for purposes of this section; and

9               “(B) annually update such list.

10          “(2) LIST FROM PREVIOUS YEAR.—If the list of  
11          high need schools in which a qualifying educator  
12          may perform qualifying service is not available be-  
13          fore May 1 of any year, the Secretary may use the  
14          list for the year preceding the year for which the de-  
15          termination is made to make a determination about  
16          whether an individual meets the requirements for  
17          qualifying service.

18       “(g) ADDITIONAL ELIGIBILITY PROVISIONS.—

19           “(1) CONTINUED ELIGIBILITY.—Any qualifying  
20          educator who performs qualifying service in a school  
21          that—

22               “(A) is a high need school in any school  
23               year during such service; and

24               “(B) in a subsequent school year fails to  
25               meet the definition of a high need school

1       may continue to serve in such school and shall be el-  
2       igible for loan cancellation pursuant to subsection  
3       (b).

4               “(2) PREVENTION OF DOUBLE BENEFITS.—No  
5       qualifying educator may, for the same service, re-  
6       ceive a benefit under both this section and—

7                       “(A) section 428K; or

8                       “(B) subtitle D of title I of the National  
9       and Community Service Act of 1990 (42 U.S.C.  
10      12601 et seq.).

11               “(3) NO PENALTY FOR PROMOTIONS.—Any  
12      qualifying educator who performs qualifying service  
13      in an early childhood education program or high  
14      need school and who is promoted to another position  
15      within that early childhood program or high need  
16      school after 1 or more years of qualifying service  
17      may continue to be employed in such position in  
18      such program or school and shall be eligible to count  
19      the period of employment in such position as quali-  
20      fying service for loan cancellation pursuant to sub-  
21      section (b).

22               “(h) DEFINITIONS.—In this section:

23                       “(1) BUREAU OF INDIAN EDUCATION FUNDED  
24      ELEMENTARY OR SECONDARY SCHOOL.—The term

1 'Bureau of Indian Education funded elementary or  
2 secondary school' means—

3 "(A) an elementary or secondary school or  
4 dormitory operated by the Bureau of Indian  
5 Education;

6 "(B) an elementary or secondary school or  
7 dormitory operated pursuant to a grant under  
8 the Tribally Controlled Schools Act of 1988 (25  
9 U.S.C. 2501 et seq.); and

10 "(C) an elementary or secondary school or  
11 dormitory operated pursuant to a contract  
12 under the Indian Self-Determination and Edu-  
13 cation Assistance Act (25 U.S.C. 5301 et seq.).

14 "(2) BUREAU OF INDIAN EDUCATION EARLY  
15 CHILDHOOD DEVELOPMENT PROGRAM.—The term  
16 'Bureau of Indian Education early childhood devel-  
17 opment program' means—

18 "(A) a program operating under a grant  
19 authorized by section 1139 of the Education  
20 Amendments of 1978 (25 U.S.C. 2019); or

21 "(B) an early childhood education program  
22 operated or funded by the Bureau of Indian  
23 Education (including Family and Child Edu-  
24 cation programs at schools funded by the Bu-  
25 reau of Indian Education authorized under sec-

1           tion 1121 of the Education Amendments of  
2           1978 (25 U.S.C. 2001)).

3           “(3) COVERED LOAN.—The term ‘covered loan’  
4           means a loan made, insured, or guaranteed under  
5           this part.

6           “(4) EARLY CHILDHOOD EDUCATION PRO-  
7           GRAM.—The term ‘early childhood education pro-  
8           gram’ means—

9                   “(A) a high-need early childhood education  
10                  program as defined in section 200;

11                  “(B) a Head Start program (including an  
12                  Early Head Start program) carried out under  
13                  the Head Start Act (42 U.S.C. 9831 et seq.);

14                  “(C) an early childhood education pro-  
15                  gram, as defined in section 103;

16                  “(D) a Bureau of Indian Education early  
17                  childhood development program;

18                  “(E) a Native Hawaiian education system  
19                  early childhood education program;

20                  “(F) a Tribal early childhood education  
21                  program; or

22                  “(G) a consortium of entities described in  
23                  any of subparagraphs (A) through (F).

24           “(5) HIGH NEED SCHOOL.—The term ‘high  
25           need school’ means—

1           “(A) a public elementary or secondary  
2 school—

3           “(i) with respect to which the number  
4 of children meeting a measure of poverty  
5 under section 1113(a)(5) of the Elemen-  
6 tary and Secondary Education Act of  
7 1965, exceeds 30 percent of the total num-  
8 ber of children enrolled in such school; and

9           “(ii) that is served by a local edu-  
10 cational agency that is eligible for assist-  
11 ance pursuant to part A of title I of the  
12 Elementary and Secondary Education Act  
13 of 1965;

14           “(B) a public elementary or secondary  
15 school or location operated by an educational  
16 service agency in which the number of children  
17 meeting a measure of poverty under section  
18 1113(a)(5) of the Elementary and Secondary  
19 Education Act of 1965 exceeds 30 percent of  
20 the total number of children enrolled in such  
21 school or location;

22           “(C) a public elementary or secondary  
23 school identified by the State for comprehensive  
24 support and improvement, targeted support and  
25 improvement, or additional targeted support

1 and improvement, under section 1111 of the El-  
2 elementary and Secondary Education Act of  
3 1965;

4 “(D) a Bureau of Indian Education funded  
5 elementary or secondary school;

6 “(E) an elementary or secondary school  
7 operated by a Tribal educational agency; or

8 “(F) a Native Hawaiian education system.

9 “(6) INDIAN TRIBE.—The term ‘Indian Tribe’  
10 means the recognized governing body of any Indian  
11 or Alaska Native Tribe, band, nation, pueblo, village,  
12 community, component band, or component reserva-  
13 tion, individually identified (including parentheti-  
14 cally) in the list published most recently as of the  
15 date of enactment of this subtitle pursuant to sec-  
16 tion 104 of the Federally Recognized Indian Tribe  
17 List Act of 1994 (25 U.S.C. 5131).

18 “(7) NATIVE HAWAIIAN EDUCATION SYSTEM.—  
19 The term ‘Native Hawaiian education system’ means  
20 an entity eligible to receive direct grants or enter  
21 into contracts with the Secretary under section 6205  
22 of the Elementary and Secondary Education Act of  
23 1965 (20 U.S.C. 7515) to carry out the authorized  
24 activities under that section.



1           “(8) QUALIFYING EDUCATOR.—Subject to sub-  
2           section (i), the term ‘qualifying educator’ means—

3                   “(A) an elementary or secondary school  
4           teacher who—

5                           “(i) has obtained full State or Tribal  
6                           certification and licensure requirements for  
7                           such employment; and

8                           “(ii) has not had such certification or  
9                           licensure requirements waived on an emer-  
10                          gency, temporary, or provisional basis;

11                   “(B) an early childhood educator who pro-  
12           vides care or instruction to children;

13                   “(C) a school leader of an elementary or  
14           secondary school who—

15                           “(i) has obtained full State or Tribal  
16                           certification and licensure requirements for  
17                           such employment; and

18                           “(ii) has not had such certification or  
19                           licensure requirements waived on an emer-  
20                           gency, temporary, or provisional basis; or

21                   “(D) an early childhood education program  
22           director (including a family child care provider).

23           “(9) QUALIFYING SERVICE.—

1           “(A) IN GENERAL.—Subject to subpara-  
2 graph (B), the term ‘qualifying service’  
3 means—

4           “(i) in the case of a qualifying educa-  
5 tor described in subparagraph (A) or (C)  
6 of paragraph (8), employment as a full-  
7 time qualifying educator in a high need  
8 school; and

9           “(ii) in the case of a qualifying educa-  
10 tor described in subparagraph (B) or (D)  
11 of paragraph (8), employment as a full-  
12 time qualifying educator in an early child-  
13 hood education program (including school-  
14 based programs).

15           “(B) EXCEPTION.—In the case of a quali-  
16 fying educator who is unable to complete a full  
17 school or program year of service, that year  
18 may still be counted toward the required quali-  
19 fying service period under paragraphs (1) and  
20 (2) of subsection (c) if—

21           “(i) the qualifying educator completed  
22 at least one-half of the school or program  
23 year;

24           “(ii) the employer considers the quali-  
25 fying educator to have fulfilled the contract

1 requirements for the school or program  
2 year for the purposes of salary increases,  
3 tenure, and retirement; and

4 “(iii) the qualifying educator was un-  
5 able to complete the school or program  
6 year because—

7 “(I) the qualifying educator re-  
8 turned to postsecondary education, on  
9 at least a half-time basis, in an area  
10 of study directly related to the per-  
11 formance of the qualifying service;

12 “(II) the qualifying educator ex-  
13 perience a condition described in sec-  
14 tion 102 of the Family and Medical  
15 Leave Act of 1993 (29 U.S.C. 2612);

16 “(III) the qualifying educator  
17 was called or ordered to Federal or  
18 State active duty status, or Active  
19 Service as a member of a Reserve  
20 Component of the Armed Forces  
21 named in section 10101 of title 10,  
22 United States Code, or service as a  
23 member of the National Guard on  
24 full-time National Guard duty, as de-

1                   fined in section 101(d)(5) of title 10,  
2                   United States Code; or

3                   “ (IV) the qualifying educator re-  
4                   sides in or is employed in a disaster  
5                   area, as declared by any Federal,  
6                   State, or local official in connection  
7                   with a national emergency.

8                   “(10) SCHOOL LEADER.—The term ‘school  
9                   leader’ has the meaning given that term in section  
10                  8101 of the Elementary and Secondary Education  
11                  Act of 1965.

12                  “(11) TRIBAL EARLY CHILDHOOD EDUCATION  
13                  PROGRAM.—The term ‘Tribal early childhood edu-  
14                  cation program’ means any of the following pro-  
15                  grams:

16                  “(A) An American Indian or Alaska Native  
17                  Head Start or Early Head Start program car-  
18                  ried out under the Head Start Act (42 U.S.C.  
19                  9831 et seq.).

20                  “(B) A Tribal child care and development  
21                  program carried out under the Child Care and  
22                  Development Block Grant of 1990 (42 U.S.C.  
23                  9858 et seq.).

24                  “(C) A program serving children from  
25                  birth through age 6 that—

1                   “(i) receives funding support from the  
2                   Native American language preservation  
3                   and maintenance program carried out  
4                   under section 803C of the Native Amer-  
5                   ican Programs Act of 1974 (42 U.S.C.  
6                   2991b-3);

7                   “(ii) is a Tribal prekindergarten pro-  
8                   gram;

9                   “(iii) is a program authorized under  
10                  section 619 or part C of the Individuals  
11                  with Disabilities Education Act; or

12                  “(iv) is a center-based or group-based  
13                  early childhood learning or development  
14                  program that the Secretary determines  
15                  shall be included under this definition,  
16                  after receiving a request from an Indian  
17                  Tribe.

18                  “(12) TRIBAL EDUCATIONAL AGENCY.—The  
19                  term ‘Tribal educational agency’ has the meaning  
20                  given the term (without respect to capitalization) in  
21                  section 6132(b) of the Elementary and Secondary  
22                  Education Act of 1965.

23                  “(13) YEAR.—The term ‘year’, when applied to  
24                  service as a qualifying educator, means a school or  
25                  program year as defined by the Secretary or the

1 Secretary of Health and Human Services, as appli-  
2 cable.

3 “(i) SPECIAL RULE.—An educator that provides in-  
4 struction or curricular development in an Alaska Native,  
5 American Indian, or Native Hawaiian language or a Na-  
6 tive American language as defined in the Native American  
7 Languages Act (25 U.S.C. 2902) shall be considered to  
8 be a qualifying educator regardless of whether the educa-  
9 tor has achieved full State or Tribal certification and licen-  
10 sure requirements for such employment.”.

11 (c) EFFECTIVE DATE; PROGRAM NAME.—

12 (1) EFFECTIVE DATE.—The amendments made  
13 by subsections (a) and (b) shall take effect on the  
14 day that is 180 days after the date of enactment of  
15 this Act.

16 (2) PROGRAM NAME.—The programs under sec-  
17 tion 428J and 460 of the Higher Education Act of  
18 1965, as amended by subsections (a) and (b), shall  
19 be known as Educator Loan Forgiveness Programs.

20 (d) TECHNICAL AMENDMENT.—Section 455(m)(4) of  
21 the Higher Education Act of 1965 (20 U.S.C.  
22 1087e(m)(4)) is amended by striking “section 428J,  
23 428K, 428L, or 460” and inserting “section 428K or  
24 428L”.

1 **SEC. 3. NOTICE TO BORROWERS.**

2 Not later than 180 days after the Secretary of Edu-  
3 cation implements the programs under this Act, the Sec-  
4 retary, in coordination with the Secretary of Health and  
5 Human Services, shall take such steps as may be nec-  
6 essary to inform high need schools and early childhood  
7 education programs (as defined in section 460 of the  
8 Higher Education Act of 1965, as amended by this Act),  
9 Head Start programs (including Early Head Start pro-  
10 grams) carried out under the Head Start Act (42 U.S.C.  
11 9831 et seq.), early childhood educators and program di-  
12 rectors (including family child care providers and program  
13 directors), public school teachers, public school leaders,  
14 Bureau of Indian Education school teachers, Bureau of  
15 Indian Education school leaders, Native Hawaiian edu-  
16 cation system school teachers, Native Hawaiian education  
17 system school leaders, local educational agency leaders  
18 (such as superintendents), local educational agencies, edu-  
19 cational service agencies, educational service agency lead-  
20 ers, chief State school officers, State educational agencies,  
21 students attending institutions of higher education, and  
22 other student loan borrowers, of the amendments made  
23 by this Act to the loan forgiveness and loan cancellation  
24 programs under sections 428J and 460 of the Higher  
25 Education Act of 1965 (20 U.S.C. 1078–10; 1087j), in-  
26 cluding an explanation of how loans accrued before the

1 date of enactment of this Act may qualify for loan forgive-  
2 ness or loan cancellation under such sections, as amended  
3 by this Act, and an explanation of how service performed  
4 before the date of enactment of this Act may count toward  
5 qualifying service requirements for purposes of such sec-  
6 tions, as amended by this Act.

7 **SEC. 4. WAIVER OF NEGOTIATED RULEMAKING.**

8 In carrying out this Act and any amendments made  
9 by this Act, or any regulations promulgated under this Act  
10 or under such amendments, the Secretary of Education  
11 may waive the application of negotiated rulemaking under  
12 section 492 of the Higher Education Act of 1965 (20  
13 U.S.C. 1098a).